

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DARRICK AND YOLANDA GRIMES,

Plaintiffs,

vs.

Civil Action No. 08-cv-01024 (JGK)

FREMONT GENERAL CORPORATION,
FREMONT INVESTMENT AND LOAN,
JONATHAN TANENBAUM, AMERICA'S
SERVICING COMPANY, U.S. BANCORP, AND
U.S. BANK, NATIONAL ASSOCIATION, AS
TRUSTEE FOR MASTER ASSET BACKED
SECURITIES TRUST 2006-FRE-1,

Defendants.

**NOTICE OF MOTION TO DISMISS
COMPLAINT PURSUANT TO RULE
12(b)(6) FOR FAILURE TO STATE A
CLAIM**

TO: Darrick Grimes and Yolanda Grimes
23 Stacy Lee Drive
Newburgh, New York 12550
E-mail: darrick.grimes@global-infra.com
Pro se Plaintiffs

PLEASE TAKE NOTICE that, relying upon the accompanying Memorandum of Law dated June 16, 2008, the Declaration of Steven M. Hecht and attached exhibits dated June 16, 2008, and all previous papers, pleadings and proceedings, the undersigned, counsel to Defendants America's Servicing Company ("ASC"), U.S. Bancorp ("US Bancorp"), and U.S. Bank N.A. as Trustee for Master Asset Backed Securities Trust 2006-FRE-1 ("US Bank/Trustee" and, collectively with ASC and US Bancorp, the "Moving Defendants"), will move this Court on a date convenient to this Court before the Honorable John G. Koeltl, U.S.D.J., at the United States Courthouse, 500 Pearl Street, New York, New York, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing all claims asserted in the Complaint against the

Moving Defendants for failure to state a claim upon which relief may be granted. A proposed form of Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE THAT all papers in opposition to this motion must be served and filed within ten business days of service of these moving papers pursuant to Local Civil Rule 6.1.

Dated: June 16, 2008

Respectfully submitted,

LOWENSTEIN SANDLER PC

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*Attorneys for Defendants America's Servicing
Company, U.S. Bancorp, and U.S. Bank, N.A. as
Trustee for Master Asset Backed Securities Trust
2006-FRE-1*

By: /s/ Steven M. Hecht, Esq.
Steven M. Hecht (SH-0414)